

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: CAROLYN HANEY

Bankruptcy No. 18-14464

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW, Treasurer Loans of Batesville, Inc. d/b/a Olive Branch Financial (“Olive Branch”) by and through its attorney of record and files this, its Objection to Confirmation of Chapter 13 Plan as to the Creditor’s treatment for the purpose of plan confirmation and would respectfully show unto the Court, as follows:

1. On or about November 9, 2018, Debtor filed a petition for bankruptcy pursuant to Chapter 13 of the United States Bankruptcy Code. As of the date of filing, Debtor is indebted to Olive Branch in the sum of \$2,222.26 on Account #8009 and \$2,226.82 on Account #9785 for a total debt of \$4,449.08, plus interest accruing thereafter, late fees, attorney’s fees, and other expenses.

2. Olive Branch’s claim is secured by property contained in the duly perfected UCC financing statement which was filed by Olive Branch, purchase money security interest in a 2006 Honda ATV, VIN 1HFTE310764112042, and a lien recorded on the title to a 2003 Harley Davidson Motorcycle, VIN 1HD4CJM103K401797. A copy of the documentation evidencing Olive Branch’s lien is attached hereto and made apart of the same as if copied in full herein. The value of the collateral securing the debt exceeds the proposed value under the Plan and makes Olive Branch fully secured.

3. Olive Branch denies that all the collateral is exempt as listed in the proposed plan and objects to Debtor’s claim of exemption for that property which is not exempt pursuant to Miss Code Ann. § 85-3-1, et seq. or other applicable law. Olive Branch denies that the lien on Debtor’s

property impairs all exemptions to which debtor would be entitled under 11 U.S.C. § 522(b).

4. To the extent that Olive Branch is not paid the replacement value of its collateral with interest, Olive Branch rejects debtor's plan.

5. Olive Branch further objects to any amended and/or altered plan that has been or may be filed in this case.

6. And for other grounds to be shown at hearing hereof.

WHEREFORE, PREMISES CONSIDERED, Treasurer Loans of Batesville, Inc. d/b/a Olive Branch Financial requests that this Court to deny confirmation of Debtor's proposed plan and treatment and that Olive Branch be paid in full at a rate according to the proper valuation and for other relief as is good and equitable and grant such other relief as is necessary under the circumstances.

Dated: December 27, 2018

Olive Branch Financial Services

BY: /s/ B. Joey Hood, II
B. Joey Hood, II - Its Attorney

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CERTIFICATE OF SERVICE

I, B. Joey Hood, II, attorney for Treasurer Loans of Batesville, Inc. d/b/a Olive Branch Financial, do hereby certify that the following have been served electronically via ECF with a copy of this objection to confirmation.

- | | | |
|----|-------------------------|---|
| 1. | Robert H. Lomenick, Jr. | <u>rlomenick@gmail.com</u> |
| 2. | U.S. Trustee | <u>USTPRegion05.AB.ECF@usdoj.gov</u> |
| 3. | Locke D. Barkley | <u>sbeasley@barkley13.com</u> |

Dated: December 27, 2018

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